

Application No: 09/739,512
Attorney's Docket No: US000363

REMARKS/ARGUMENTS

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Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1-4, 20, 21, 23-26, and 28 have been amended. Currently, claims 1-11 and 20-28 are pending in the present application of which claims 1, 6, and 25 are independent. No new matter has been added.

Claims 1-11 and 20-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cohen et al. (U.S. Patent No. 6,262,711). In view of the amendment set forth above and the following remarks, these rejections are respectfully traversed.

REJECTION UNDER 35 U.S.C. § 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-11 and 20-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Cohen et al. This rejection is respectfully traversed because the claimed invention as set forth in claims 1, 6, and 25 and the claims that depend therefrom are patentably distinguishable over Cohen et al.

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Cohen et al. relates to computerized interactor systems and a method for providing the same. In FIG. 1, an interactor system 10 includes a detection space 12, a controller computer 14, and an optional system 16. See col. 5, ln. 10-18. A number of interactors 18 may be engaged with, moved around in, and removed from the detection space 12. Id. By coupling the optional system 16 to computer 14, interactors and the optional system 16 can interact within controller computer 14. See col. 5, ln. 55-57. An interactor system 24 used to mark events in a temporal flow is illustrated in FIG. 2. See col. 6, ln. 1-8. The interactor system 24 includes a detection field 26, a computer 28, and a video system 30. Id. The detection field 26 is, in this embodiment, a two-dimensional detection field in that it can detect positions of interactors 34 in both an "x" and a "y" direction. See col. 6, ln. 16-18. In FIG. 11a, a detection field 166 has a number of interactors 168 that can be positioned at various locations. See col. 10, ln. 26-29. In this instance, one of the interactors 168a represents the user herself. Id. In a second example, an interactor system such as interactor system 24 is controlled to "mark" or "log" events in a videotape. See col. 13, ln. 30-34.

Claims 1 and 25, as amended, recite at least two objects "each associated with a respective data set consisting of at least one datum defining preferences of a user." The applicants respectfully submit that Cohen et al. does not show this feature. The interactors of Cohen et al. are used in conjunction with the detection space to define a human/computer interface based on the physical location of the interactors. See col. 5, ln. 10-18. Data derived from the interaction of an interactor with the detection space is used to control an optional system. See col. 5, ln. 55-57. For example, an interactor can be used to represent the user's position in a room in order to control a number of speakers to simulate the effect of the placement of voices within the room. See col. 10, ln. 26-39. In another embodiment, the interactors of Cohen et al. are used to mark or log events in a videotape based on their location within the detection field. See col. 13, ln. 30-55. The interactors of Cohen et al. are therefore used for providing input to an external system on the basis of spatial location, not for "defining preferences of a user." Thus Cohen et al. does not disclose at least two objects "each associated with a respective data set consisting of at least one datum defining preferences of a user."

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Claim 6 recites "a mechanically connected combination of tokens, each associated with a data set." The applicants respectfully submit that Cohen et al. does not show this feature. As shown in FIGS. 2, 3, 9b, 9c, 11a, 11b, and 17, an interactor is placed within the detection field in order to provide information about the spatial location of the interactor to an associated computer. As shown in each of these figures and as further illustrated in FIG. 5, the interactors are independent from the plurality of other interactors. Cohen et al. therefore does not teach connecting the plurality of interactors by some mechanical means. Thus Cohen et al. does not disclose "a mechanically connected combination of tokens, each associated with a data set."

Accordingly, Cohen et al. fails to teach all of the features contained in claims 1, 6, and 25, and thus these claims are believed to be allowable. Claims 2-5 and 20-24 depend upon claim 1 and are allowable at least by virtue of their dependencies. Claims 7-11 depend upon claim 6 and are therefore allowable at least by virtue of their dependencies. Claims 26-28 depend upon claim 25 and are therefore allowable at least by virtue of their dependencies. Therefore, the Examiner is respectfully requested to withdraw this rejection.

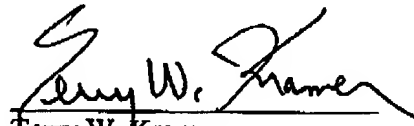
CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,
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